

Regular Session, 2010

HOUSE BILL NO. 120

BY REPRESENTATIVE ROY

PROBATION: Amends certain obligations of the sentencing court and DPS&C

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894.1(D) and (E)(introductory
3 paragraph), relative to sentencing; to provide for certain obligations of the sentencing
4 court and the Department of Public Safety and Corrections; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 894.1(D) and (E)(introductory
8 paragraph) are hereby amended and reenacted to read as follows:

9 Art. 894.1. Sentencing guidelines; generally

10 * * *

11 D. Immediately following the imposition of a felony sentence pursuant to
12 this Article, the sentencing court shall advise the offender in open court ~~of each of~~
13 ~~the following:~~

14 (1) ~~Whether, pursuant to the provisions of R.S. 15:571.3, the offender's~~
15 ~~sentence is subject to diminution for good behavior.~~

16 (2) ~~Whether~~ whether the sentence imposed was enhanced pursuant to R.S.
17 15:529.1 et seq., Article 893.3, or any other relevant provision of law.

18 E. All victims of felonies who provide a written request to the Department
19 of Public Safety and Corrections, which includes a mailing address, are entitled to
20 receive a written report of the prospective term of imprisonment of their offenders.

1 The Department of Public Safety and Corrections shall furnish to the victim ~~and the~~
2 ~~sentencing judge~~ within ninety days of commitment a report which includes the
3 following information, in a format to be determined by the Department of Public
4 Safety and Corrections:

5 * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Roy

HB No. 120

Abstract: Amends certain obligations of the sentencing court and DPS&C.

Present law provides for enhanced penalties for habitual offenders and offenders who possess, use, or discharge a firearm in the commission of certain offenses.

Present law requires the sentencing court to advise the offender of the following:

- (1) Whether the offender's sentence is subject to diminution of sentence for good behavior.
- (2) Whether the sentence imposed was enhanced pursuant to present law.

Proposed law deletes the requirement that the sentencing court advise the offender whether the offender's sentence is subject to diminution for good behavior and otherwise retains present law.

Present law requires DPS&C to furnish to the victim and the sentencing judge a written report of the offender's prospective term of imprisonment.

Proposed law deletes the requirement that DPS&C furnish the written report of the offender's prospective term of imprisonment to the sentencing judge.

(Amends C.Cr.P. Art. 894.1(D) and (E)(intro. para.))